

Union Executive
3 June 2024

Title of Paper:	Bye-Laws Changes around Complaints & Disciplinary Procedures
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Purpose of paper:	For Approval
Confidential:	No
Strategy Theme:	Excellent Union
Decision required:	Yes

Headline points:

- This paper presents two new draft Bye-Laws to replace the current Bye-Laws that govern Complaints and Disciplinary procedures.
- It proposes a shorter, simpler Complaints procedure for Bye-Law 12.
- It proposes a full new Disciplinary procedure for Bye-Law 13 that changes many of our existing student disciplinary processes.

Executive Summary:

The Complaints Bye-Law has been drafted by the Governance & Compliance Manager and the Disciplinary Bye-Law has been drafted over a 12 month process that included consultation with SU stakeholders and our consultant from Atkinson HR. Bates Wells provided comments on the procedure and these have each been addressed.

Bye-Law 12 – Complaints

The main changes to this Bye-Law include:

1. Removal of the two different routes (Formal and Informal).
2. Clarification, in plain English, of when complaints will be considered valid and then in scope.
3. Explanation that complaints related to Union staff are managed internally, through the disciplinary panel route if they regarding other members, and that elections complaints are governed separately in Bye-Law 9 (unchanged).
4. The Union's right to reject vexatious complaints.
5. Removal of outdated job descriptions and most timelines which are usually not met. The exception is that valid complaints should normally be made 'within 10 working days of the incident' unless there are 'exceptional circumstances'.
6. Removal of the rule that says complaint records are kept for 'six years'. As best practice we should retain confidential files for two years or the sanction is spent, whichever is longer, but this is not mandated in the Bye-Laws.

Bye-Law 13 – Disciplinary Procedure

This new procedure changes the current disciplinary route for reports or complaints regarding member or club misconduct. The main changes include:

1. Section 9 - Clarification that an investigating manager will hold a meeting with the subject of disciplinary action, they will write a report and this will be presented to a disciplinary panel. Currently there is ambiguity about whether an investigation needs to take place or where the panel can be the 'investigator'.
2. Section 10 - The power of the Union to suspend a member during an interim period when an investigation is taking place.

3. Section 11 – The ability of the Union to choose whether to pause or continue disciplinary action for matters that are also subject to University disciplinary processes. This does not remove the right of panels to refer matters to the University that they have investigated.
4. Section 12 - Clarification that panels regarding club matters are chaired by the Activities and Engagement Officer, and panels related to individuals are chaired by the Welfare and Community Officer.
5. Section 12 – The differentiation between Stage 1 and Stage 2 panel hearing has been removed and there is now a single route.
6. Section 12 – The sanctions available to panels that uphold a complaint are listed in Appendix 2 with an explanation of what each one entails.
7. Section 13 – Changes to the appeals process: This makes clear that if there are procedural grounds for appeal then the Chair of the Board will ask for a new disciplinary panel to meet. The options available to the panel are set out in 13.7. The right to appeal to the Board of Trustees is removed. There is only one appeal route which is final.

The changes to the Disciplinary Procedures mean that it will also be prudent to make revisions to the Club & Society Regulations to ensure consistency, and this was something that was highlighted by Bates Wells and Atkinson HR. Once these changes to the Bye-Laws have been made then the Activities Zone will be asked to make small changes to Section 3 of the Club and Society Regulations to ensure consistency.

Appendices:

1. Bye-Law 12 – Proposed Complaints Bye-Law
2. Bye-Law 13 – Proposed Members’ Disciplinary Bye-Law